

## REMARKS

The above Amendment and these Remarks are in response to the Office Action mailed January 16, 2007. Claims 1-66 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-66. This response amends claims 1, 15, 18, 19, 23, 37, 40, 41, 44, 58, 61, 62, and 65, leaving for Examiner's consideration claims 1-65. Reconsideration of the rejections is respectfully requested.

### **I. Claim Rejection – 35 USC § 101**

Claims 1-66 are rejected under USC 101 because they disclose a claimed invention that is an abstract idea.

Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility states that “PTO bears the burden of presenting a prima facie §101 rejection, and if the record as a whole suggests that it is more likely than not that the claimed invention includes a practical application, the examiner should not reject the claim.” Here, claims 1-65 are directed towards the subject matter of XML data, which has practical application and “produces useful, concrete and tangible results” in a wide range of Web-based applications. Thus, claims 1-65 are statutory. In addition,

1. Claims 1 has been amended to be “computer-implemented”. Since claims 2-22 depend on claim 1, Applicant respectfully requests that the 101 rejection with respect to claims 1-22 be withdrawn.
2. Annex III of the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” declares the so-called “technological-arts” test, which requires a method must be implemented via a computer or medium, improper

and examiners are prohibited from using it to determine subject-matter eligibility for method claims. Since claims 23-43 are methods that produces useful, concrete and tangible results, Applicant respectfully requests that the 101 rejection with respect to claims 1-22 be withdrawn.

3. Claims 44-64 only cite “machine readable medium”, which is a computer media and a tangible embodiment. Applicant respectfully requests that the 101 rejection with respect to these claims be withdrawn.
4. Claim 66 on computer data signal has been canceled.

## **II. Claim Rejection – 35 USC § 102**

Claims 1-66 are rejected under 35 U.S.C. 102 (e) as being anticipated by Slaughter et al USPN 6,918,084.

One important feature of the XML type claimed in the present invention is that it is a Java type that can access not only Java data, but also XML data from within Java as shown in Figure 2. Such feature is not taught in Slaughter - Figure 2 and column 15, lines 1-14 teaches how the interface API can represent and pass Java objects in XML, not how to access XML data from Java objects; Figures 34 and 35 show the compilation of XML data to/from Java objects, while XML type in the present invention can access XML data without compiling it to Java object(s). Therefore, Slaughter cannot anticipate the XML types claimed in independent claims 1, 15, 18, 19, 23, 37, 40, 41, 44, 58, 61, 62, and 65. Since claims 2- 14 depend on claim 1, claims 16-17 depend on claim 15, claims 20-22 depend on claim 19, claims 24-36 depend on claim 23, claims 38-39 depend on claim 37, claims 42-43 depends on claim 41, claims 45-57 depend on claim 44, claims 59-60 depend on claim 58, claims 63-64 depend on claim 62, Claims 1-66 cannot be

anticipated by Slaughter under 35 U.S.C. 102 (e) for at least this reason, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

### **III. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting the issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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